

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 ROBERT SPAHR,

4 Plaintiff

5 v.

6 MEDICAL DIRECTOR ELY STATE
7 PRISON et al.,

8 Defendants

Case No. 3:19-cv-00267-MMD-CBC

ORDER

<input checked="checked" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
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COUNSEL PARTIES OF RECORD	
MAY 29 2019	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

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10 I. DISCUSSION

11 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections
12 ("NDOC"), has filed a notice of intent to file complaint. (ECF No. 1-1). Plaintiff has not
13 filed a complaint or an application to proceed *in forma pauperis* in this matter.

14 Under Federal Rule of Civil Procedure 3, "[a] civil action is commenced by filing a
15 complaint with the court." Fed. R. Civ. P. 3. As such, the Court grants Plaintiff thirty (30)
16 days from the date of this order to submit a complaint to this Court.

17 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
18 application to proceed *in forma pauperis* and attach both an inmate account statement
19 for the past six months and a properly executed financial certificate. Plaintiff will be
20 granted an opportunity to file an application to proceed *in forma pauperis*, or in the
21 alternative, pay the full filing fee for this action. If Plaintiff chooses to file an application
22 to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma*
23 *pauperis*.

24 II. CONCLUSION

25 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND
26 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well
27 as the document entitled information and instructions for filing an *in forma pauperis*
28 application.

IT IS FURTHER ORDERED that within thirty (30) days from the date of this order,

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2 Plaintiff must either: (1) file a fully complete application to proceed *in forma pauperis*, on
3 the correct form with complete financial attachments in compliance with 28 U.S.C. §
4 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing
5 fee and the \$50 administrative fee).

6 IT IS FURTHER ORDERED that Plaintiff will submit a complaint to this Court within
7 thirty (30) days from the date of this order.

8 IT IS FURTHER ORDERED that the Clerk of the Court will send to Plaintiff the
9 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same. The
10 Clerk of the Court will also send Plaintiff a copy of his notice of intent to file complaint.
11 (ECF No. 1-1).

12 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
13 dismissal of this action may result.
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15 DATED THIS 29th day of May 2019.

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17 UNITED STATES MAGISTRATE JUDGE
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